IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.661 OF 2005

Major (Ms).Leena Kashiram Gurav Petitioner

versus

State of Maharashtra & others Respondents

Mr.V.M.Kapse for petitioner.

Mr.R.M.Sawant, G.P. for respondents 1 and 2.

Mr.S.S.Pakle for respondent no.3.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 07th April 2005

PC :

1. Heard Mr.Kapse in support of this petition. Mr.Sawant, GP appears for respondents 1 and 2 and Mr.Pakle for respondent no.3.

2. Petitioner is a Judge Advocate in the Armed Forces. She is now going to be retired due to short term service. She wants to apply for the post of Civil Judge, Junior Division. Now as far as this post in the State is concerned, the requirement is that the person concerned ought to have minimum three years practice or the person

must be a fresh law graduate, may be one who has not even gone to the Court as an Advocate. This is provided in pursuance to the Apex Court's order in para no.32 of the judgement of All India Judges Association Vs. Union of India reported in (2004)4-SCC-247. The rule, therefore, provides that a fresh law graduate is also permitted to apply, provided he/she are above 21 years of age and below 35 years of age and has applied within three years after obtaining law degree. Petitioner does not fall in either of the two categories. We do not find that anything is wrong in the provisions or rule. The rule cannot be faulted by contending that there is some other rule in some other State. Petition is rejected. In view of dismissal of petition itself, Notice of Motion No.179 of 2005 does not survive. It accordingly stands rejected.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)